United Nations A/71/514

General Assembly

Distr.: General
11 November 2016

Original: English

Seventy-first session
Agenda item 83

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee

Rapporteur: Mr. Isaias **Medina** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the seventy-first session of the General Assembly pursuant to Assembly resolution 70/117 of 14 December 2015.

2. At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 15th, 16th, 30th, 32nd and 33rd meetings, on 14 October and on 3, 7 and 11 November 2016. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records.[1]

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (A/71/33);

(b) Report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/71/166);

[1] A/C.6/71/SR.15, A/C.6/71/SR.16, A/C.6/71/SR.30, A/C.6/71/SR.32 and A/C.6/71/SR.33.

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(c) Report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/71/202).

5. At the 15th meeting, on 14 October, the Chair of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization introduced the report of the Special Committee.

6. At the same meeting, the Director of the Codification Division of the Office of Legal Affairs made a statement on the status of the *Repertory of Practice of United Nations Organs*, and the Officer in Charge of the Security Council Practices and Charter Research Branch of the Department of Political Affairs made a statement on the status of the *Repertoire of the Practice of the Security Council*.

II. Consideration of proposals

A. Draft resolution A/C.6/71/L.15

7. At the 33rd meeting, on 11 November, the representative of Zambia, on behalf of the Bureau, introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/71/L.15).

8. At the same meeting, the Committee adopted draft resolution A/C.6/71/L.15 without a vote (see para. 11, draft resolution I).

B. Draft resolution A/C.6/71/L.16

9. At the 30th meeting, on 3 November, the representative of Zambia, on behalf of the Bureau, introduced a draft resolution entitled "Commemoration of the seventieth anniversary of the International Court of Justice" (A/C.6/71/L.16).

10. At its 32nd meeting, on 7 November, the Committee adopted draft resolution A/C.6/71/L.16 without a vote (see para. 11, draft resolution II).

III. Recommendation of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council,[1]

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Concerned about the special economic problems confronting certain States arising from the carrying-out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter to join in affording mutual assistance in carrying out the measures decided upon by the Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recalling also that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Mindful of the adoption of the revised working papers on the working methods of the Special Committee,[2]

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[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 47* (A/63/47).

Taking note of the report of the Secretary-General entitled "*Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*",[3]

Recalling paragraphs 106 to 110, 176 and 177 of the 2005 World Summit Outcome,[4]

Mindful of the decision of the Special Committee in which it expressed its readiness to engage, as appropriate, in the implementation of any decisions that might be taken at the high-level plenary meeting of the sixtieth session of the General Assembly in September 2005 that concerned the Charter and any amendments thereto,[5]

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000, 56/87 of 12 December 2001, 57/25 of 19 November 2002, 58/80 of 9 December 2003 and 59/45 of 2 December 2004,

Recalling also its resolution 64/115 of 16 December 2009 and the document entitled "Introduction and implementation of sanctions imposed by the United Nations" annexed thereto,

Having considered the report of the Special Committee on the work of its session held in 2016,[6]

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[6]

2. *Decides* that the Special Committee shall hold its next session from 21 February to 1 March 2017;

3. *Requests* the Special Committee, at its session in 2017, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2017, including strengthening the relationship and cooperation between the United Nations and regional organizations or arrangements in the peaceful settlement of disputes;

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[2] Ibid., *Sixty-first Session, Supplement No. 33* (A/61/33), para. 72.
[3] A/71/202.
[4] Resolution 60/1.
[5] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33* (A/60/33), para. 77.
[6] Ibid., *Seventy-first Session, Supplement No. 33* (A/71/33).

(b) To keep on its agenda the question of the peaceful settlement of disputes between States;

(c) To consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the high-level plenary meeting of the sixtieth session of the General Assembly in September 2005 that concern the Charter and any amendments thereto;

(d) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency and utilization of resources with a view to identifying widely acceptable measures for future implementation;

4. *Endorses* the decisions and recommendations adopted by the Special Committee at its 2016 session, as annexed to the present resolution, and calls upon the Special Committee to consider these in an appropriate, substantive manner and framework;

5. *Invites* the Special Committee, at its session in 2017, to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

6. *Notes* the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at its seventy-second session;

8. *Recognizes* the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes, notes that, consistent with Article 96 of the Charter, the Court's advisory jurisdiction may be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies, and requests the Secretary-General to distribute, in due course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations;

9. *Commends* the Secretary-General for the progress made in the preparation of studies for the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

10. *Notes with appreciation* the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*, as well as the trust fund for the updating of the *Repertoire*;

11. *Reiterates its call for* voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog; voluntary contributions to the trust fund for the updating of the *Repertoire*; and the sponsoring, on a voluntary

basis and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

12. *Calls upon* the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions, and welcomes the establishment of a new website for the *Repertory*;[7]

13. *Notes with concern* that the backlog in the preparation of volume III of the *Repertory*, although slightly reduced, has not been eliminated, and calls upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for progress made in reducing the backlog;

14. *Reiterates* the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire*, and with regard to the *Repertoire* calls upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report dated 18 September 1952;[8]

15. *Requests* the Secretary-General to submit to the General Assembly at its seventy-second session a report on both the *Repertory* and the *Repertoire*;

16. *Also requests* the Secretary-General to submit to the General Assembly at its seventy-second session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", a report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;

17. *Decides* to include in the provisional agenda of its seventy-second session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

Annex

The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

1. *Calls upon* the Member States to hold intersessional informal meetings with the aim of finalizing the proposal of the Movement of Non-Aligned Countries entitled "Proposal of the Non-Aligned Movement on the pacific settlement of disputes and its impact on the maintenance of peace"[9] and the proposal submitted by Ghana entitled "Working paper by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes",[10] and calls upon all the Member States to constructively engage on those proposals with a view to making substantive progress at the next session of the Special Committee;

2. *Recommends* that the question of the implementation of the provisions of the Charter of the United Nations relating to assistance to third States affected by

[7] http://legal.un.org/repertory.

[8] A/2170.

[9] *Official Records of the General Assembly, Seventieth Session, Supplement No. 33* (A/70/33), annex I.

[10] Ibid., *Seventy-first Session, Supplement No. 33* (A/71/33), annex.

the application of sanctions (Article 50 of the Charter) be considered by the Special Committee at the seventy-second session of the General Assembly and biennially thereafter, and recommends that the Secretary-General be requested to submit to the Assembly a report on the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions at the seventy-second session and biennially thereafter;

3. *Also recommends* that the Secretary-General be requested to brief the Special Committee annually, commencing at its 2017 session, on the document entitled "Introduction and implementation of sanctions imposed by the United Nations" contained in the annex to General Assembly resolution 64/115 of 16 December 2009;

4. *Requests* the Chair of the Special Committee to send a letter to the President of the General Assembly recalling the seventieth anniversary of the International Court of Justice and welcoming the events planned to commemorate the occasion;

5. *Recommends* that the General Assembly mark the seventieth anniversary of the International Court of Justice by means of the commemorative draft resolution, recommended by the Special Committee,[11] to be adopted at its seventy-first session.

[11] Ibid., para. 92.

Draft resolution II
Commemoration of the seventieth anniversary of the International Court of Justice

The General Assembly,

Mindful that, in accordance with Article 2, paragraph 3, of the Charter of the United Nations, all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

Bearing in mind the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[1] and the Manila Declaration on the Peaceful Settlement of International Disputes,[2]

Recognizing the need for universal adherence to and implementation of the rule of law at both the national and international levels,

Recalling that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Noting that 2016 marks the seventieth anniversary of the inaugural sitting of the Court,

Noting with appreciation the special commemorative event held at The Hague in April 2016 to celebrate the anniversary,

1. *Solemnly commends* the International Court of Justice for the important role that it has played as the principal judicial organ of the United Nations over the past 70 years in adjudicating disputes among States, and recognizes the value of its work;

2. *Expresses its appreciation* to the Court for the measures adopted to operate an increased workload with maximum efficiency;

3. *Stresses* the desirability of finding practical ways and means to strengthen the Court, taking into consideration, in particular, the needs resulting from its workload;

4. *Encourages* States to continue considering recourse to the Court by means available under its Statute, and calls upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute;

5. *Calls upon* States to consider means of strengthening the Court's work, including by supporting the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice on a voluntary basis, in order to enable the Fund to carry on and to strengthen its support to the countries which submit their disputes to the Court;

6. *Stresses* the importance of promoting the work of the Court, and urges that efforts be continued through available means to encourage public awareness in the teaching, study and wider dissemination of the activities of the Court in the peaceful settlement of disputes, in view of both its judiciary and advisory functions.

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[1] Resolution 2625 (XXV), annex.
[2] Resolution 37/10, annex.